

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL PICARELLA,

Plaintiff,

14-cv-4463 (ALC) (AJP)

-against-

HSBC SECURITIES (USA) INC.,

Defendant.

NOTICE OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Defendant's Motion for Summary Judgment; Defendant's Rule 56.1 Statement of Material Facts; the Declaration of Damien J. Marshall in Support of Defendant's Motion for Summary Judgment with accompanying exhibits (collectively, "Moving Papers"); and all prior pleadings and proceedings herein, Defendant HSBC Securities (USA) Inc. hereby moves for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary judgment on all claims.

PLEASE TAKE FURTHER NOTICE that the Moving Papers are being served on Plaintiff Michael Picarella, and courtesy copies delivered to the Court, but that the Moving Papers are not being filed on the Court's docket at this time due to the pendency of various interested parties' motions for protective orders. The Moving Papers shall be filed in accordance with the Court's resolution of those motions.

PLEASE TAKE FURTHER NOTICE that oral argument is requested on this motion.

Dated: June 12, 2015

/s/ Damien J. Marshall

Damien J. Marshall
Camille Oberkampf
Ilana Miller
Joshua J. Libling
BOIES, SCHILLER & FLEXNER LLP
575 Lexington Avenue
New York, New York 10022
Phone: (212) 446-2300
dmarshall@bsfllp.com
coberkampf@bsfllp.com
imiller@bsfllp.com
jlibling@bsfllp.com

Eugene Scalia
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, NW
Washington, District of Columbia 20036
Phone: (202) 955-8206
Facsimile: (202) 530-9606
escalia@gibsondunn.com

AFFIRMATION OF SERVICE

I, Damien J. Marshall, declare under penalty of perjury that I caused to be served on June 12, 2015, this Notice of Motion and the Moving Papers referenced therein upon all other parties in this case by electronic delivery to:

James Hubbard - jhubbard@liddlerobinson.com

Marc Susswein - msusswein@liddlerobinson.com

Erin Lynch - elynch@liddlerobinson.com

Dated: June 12, 2015

/s/ Damien J. Marshall

Damien J. Marshall
BOIES, SCHILLER & FLEXNER LLP
575 Lexington Avenue
New York, New York 10022
Phone: (212) 446-2300
dmarshall@bsflp.com